

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANDREA LYNN BURTON,

Plaintiff,

V.

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security Administration,

Defendant.

No. 2:19-cv-02267-JTF-cgc

ORDER DISMISSING CASE FOR LACK OF PROSECUTION

Before the Court is Plaintiff Andrea Lynn Burton's *pro se* complaint appealing a denial of Social Security Disability Benefits, filed on April 29, 2019. (ECF No. 1.) Case proceedings were temporarily stayed to allow the government time to collect a physical copy of the record of administrative proceedings in this case. (ECF No. 13.) That record was filed with the Court as the government's Answer on April 18, 2022. (ECF No. 14.) The Clerk of Court then entered an Administrative Track Scheduling Order, which stated, among other deadlines, that Burton "shall file a brief in support of the asserted claim within 30 days after the entry of this order." (ECF No. 16, 1.) No brief was ever filed. The Court then entered an Order to Show Cause on August 26, 2022, ordering Burton to respond or file a brief, and noting that if no response came by September 9, 2022, the Court would consider dismissing the case for lack of prosecution. (ECF No. 17.) Burton did not respond to the Order to Show Cause. Burton then emailed the Court on September 9, describing her current physical ailments. The Court entered a Second Order to Show Cause in response to this email, ordering Burton to file a brief on the docket by September 23, 2022, and

warning that failure to do so would lead to the Court considering dismissing the case for failure to prosecute. (ECF No. 18.)

Federal Rule of Civil Procedure 41(b) allows the Court to dismiss a case for failure to prosecute where “a plaintiff fails to prosecute or to comply with these rules or a court order[.]” The Court may do so *sua sponte*, of its own accord. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 48 (1991). Given the two prior warnings, and Burton’s failure to file a brief in support of her position and respond to the Order to Show Cause, the Court hereby **DISMISSES** the complaint for failure to prosecute.

IT IS SO ORDERED this 29th day of September, 2022.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
United States District Judge